



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Fifth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.518 of 2018

THIRUMALAISAMY

... PETITIONER / ACCUSED NO.3

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE
MADURAI NIB CID, MADURAI,
(CRIME NO. 202/2017)

... RESPONDENT / COMPLAINANT

For Petitioner :M/S.A.ARIVUCHANDRAN Advocate

For Respondent :MR.K.SUYAMBULINGA BHARATHI Govt. Advocate (Crl.Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

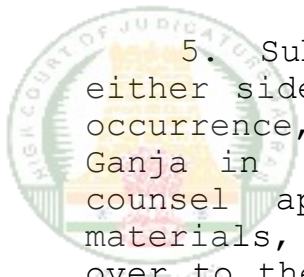
ORDER : The Court Made the following order :-

The petitioner/Accused No.3, who was arrested on 03.10.2017 for the offence under Section 8(c) r/w.20 (b) (ii) (c) of NDPS Act r/w. Section 25 and 29 of NDPS Act, in Crime No.202 of 2017,on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 03.10.2017, when the respondent police conducted a vehicle check up along with their police party, at that time, the petitioner and other accused were intercepted and found in possession of 60 kg of Ganja in the vehicle of Maruthi Omni bearing Registration No.TN-39-M-1699. Therefore, the respondent police registered a case as against the petitioner and he was arrested and remanded to judicial custody.

3.The learned counsel appearing for the petitioner submitted that the he is an innocent person and he has been falsely implicated in this case. He further submitted that based on the confession statement given by the co-accused, the respondent police implicating the petitioner in this case. He further submitted that the petitioner is not having any previous case.

4.The learned Government Advocate(Criminal Side) submitted that the quantity of the contraband materials involved in this case is very huge i.e., 60 kg. Hence, he vehemently opposed to grant bail to the petitioner.



5. Submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the petitioner and four other accused possessed 60 kg of Ganja in a car. Now only the contention raised by the learned counsel appearing for the petitioner is that the contraband materials, which were possessed by the petitioner was not handed over to the Court immediately. Hence, the respondent police violate the mandatory provisions laid in the NDPS Act. In respect of this contention made by the learned Government Advocate (Crl.side) appearing for the State submitted that when at the time, the accused was produced before the learned Judicial Magistrate, the contraband materials also produced. After receiving the same, the learned Judicial Magistrate returned the same with a direction to produce the property before the Special Court constituted for this offence. Accordingly, contention raised by the learned counsel appearing for the petitioner is that the property was not immediately handed over to the Court is not correct. Now, considering the facts and circumstances, this Court come to the conclusion, the Section 37(b) of NDPS Act is attracted. Hence, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
05/02/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE SUB INSPECTOR OF POLICE
MADURAI NIB CID, MADURAI.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.518 of 2018
Date :05/02/2018

MKV-RR-CSL-SAR 3/15.2.2018/2P-4C